

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4312

IN THE MATTER OF:

Served June 9, 1994

Application of TRANSPORTATION)	Case No. AP-94-10
CENTERS, INC., Trading as NOVA)	
TRANSPORTATION CENTERS, INC., for)	
a Certificate of Authority --)	
Irregular Route Operations)	

By application accepted for filing March 18, 1994, Transportation Centers, Inc., trading as NOVA Transportation Centers, Inc., (NOVA or applicant), a Virginia corporation, seeks a certificate of authority to transport passengers, together with mail, express and baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

Notice of this application was served on March 22, 1994, in Order No. 4260, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication and a certificate of good standing. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with a 12-passenger van and three minibuses with seating capacities of 22 to 25 passengers. Applicant proposes leasing these vehicles from one of its affiliates. Applicant's proposed tariff contains hourly rates for charter service, with minimum charges.

Applicant filed a balance sheet as of February 28, 1994, showing assets of \$2,535; liabilities of \$7,470;¹ and negative equity of \$4,935. Applicant's operating statement for the two months ended February 28, 1994, shows operating income of \$35,312; operating expenses of \$40,257; and a net loss of \$4,945. Applicant's projected operating statement for the first 12 months of WMATC operations shows WMATC operating income of \$3,440; other operating income of \$169,800; operating expenses of \$163,485; and net income of \$9,755.

Applicant is part of a commonly controlled group. All members are 100 percent owned by Jerri K. Brown and Joyce Karen Brown. The group members have access, jointly and severally, to a \$100,000 line of credit from a commercial bank, guaranteed by applicant's owners.

¹ Including related party advances of \$6,653.

Applicant certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Applicant further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a passenger carrier other than applicant.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

- (i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
- (ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

In consideration of applicant's intention to lease vehicles from an affiliate, applicant's attention is directed to Commission Regulation No. 62-02, which mandates that vehicles operated by a carrier as lessee "shall be operated by, and under the complete control of, the lessee, and no other, for the entire period of the lease," and that during said period "neither the lessor nor the lessee shall enter into any other . . . lease or sublease of the same vehicle(s) without the approval of the Commission."

THEREFORE, IT IS ORDERED:

1. That Transportation Centers, Inc., trading as NOVA Transportation Centers, Inc., 2800 Gallows Road, Vienna, VA 22180, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with mail, express and baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission

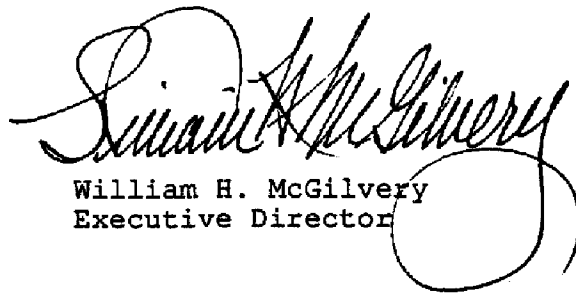
Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 255 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 255 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director